

point at the boundary of the light-permeable medium. In short, the light incident on the claimed solid immersion mirror device is focused on the boundary of the light-permeable medium of the solid immersion mirror device. On the other hand, in Mitsuoka's optical probe, the light reflected from mirror 11 is focused on aperture 3 at the boundary of taper portion 2, as the Examiner properly points out in paragraph 3 of the Action. However Mitsuoka's aperture 3 is not part of light transmission member 12, as the Examiner contends. Rather, the aperture 3 is a tip of the taper portion 2 of the in silicon substrate 1. In other words, Mitsuoka's aperture 3 on which the reflected light is focused is at the bottom side boundary of the silicon substrate 1, which is not light permeable, and not at the boundary of the light transmission member 12. This difference of the focusing location between the claimed solid immersion mirror device and Mitsuoka's optical probe is significant, because Mitsuoka's optical probe requires precise alignment of the silicon substrate 1 and the light transmission member 12 while the claimed apparatus does not require such alignment.

Mitsuoka does not teach or suggest the claimed focusing location. Thus, the rejection of claims 1-3 under 35 USC 102(e) on Mitsuoka should be withdrawn.

The remaining rejections rely on Matsuoka and should be withdrawn as well since Mitsuoka does not provide the teachings for which it is cited.

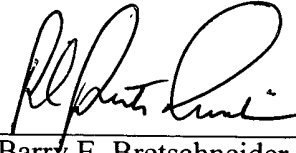
In light of the above, a Notice of Allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing Docket No. 325772026300.

Respectfully submitted,

Dated: September 9, 2003

By:



Barry E. Bretschneider  
Registration No. 28,055

Morrison & Foerster LLP  
1650 Tysons Boulevard, Suite 300  
McLean, VA 22102-3915  
Telephone: (703) 760-7743  
Facsimile: (703) 760-7777